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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Second Periodic Review of the)
Commission's Rules and Policies)
Affecting the Conversion)
To Digital Television)

MB Docket No. 03-15

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To: The Commission

**REQUEST FOR EXTENSION OF TIME
FOR FIRST ROUND DTV CHANNEL ELECTIONS**

By this submission, the Association for Maximum Service Television, Inc. ("MSTV"),¹ requests that the Commission delay the first round of DTV channel elections (filing of First Round Election Form, FCC Form 382) until mid-January 2005, rather than setting a date in December 2004 as contemplated in the *Second DTV Periodic Review Report and Order*.² This modest extension of time to prepare for the first round of elections will serve the public interest by ensuring a more reliable and informed channel election process. At the same time, it need not delay completion of the entire channel election process from the dates contemplated in the *Report and Order*.

First, while the channel election process adopted by the Commission in the *Report and Order* includes several steps over an 18 month period, some of the most important and

¹ MSTV represents over 500 local television stations on technical issues relating to analog and digital television services.

² In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order, MB Docket No. 03-15 (adopted August 4, 2004) ("*Second DTV Periodic Review Report and Order*" or "*Report and Order*").

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complex steps must be taken prior to or in connection with the first round of elections. Because of the long-term impact of the decisions made in these first few steps of the channel election process, it is critical that the FCC and broadcasters are afforded adequate time to ensure that the FCC's database properly reflects each television station's pre-election certification and that stations are provided with a meaningful opportunity to analyze this information prior to making their election decisions.

Immediately upon release of the *Report and Order*, stations were charged with evaluating technical information in the Media Bureau's database and making any necessary filings to ensure its accuracy; analyzing the FCC's Form 381 and understanding the implications of selecting among the various options; determining the final service areas that they wish to operate with after the DTV transition and, if necessary, making appropriate filings to implement changes to reflect these final service areas; and resolving conflicts and seeking approvals of pending DTV applications to permit appropriate certifications. These steps lay the foundation for the channel election process and the future service each station will be able to provide to its viewers after the DTV transition. As such, stations were driven to focus the great bulk of their attention and resources on ensuring proper pre-election certifications and, in many cases, resolving complex and long-pending issues that hampered their ability to obtain FCC approval of DTV maximization applications – and therefore jeopardized their rights to provide maximized service over the long term. Addressing these issues has resulted in numerous filings with the FCC geared towards assuring an accurate baseline for the channel election process. Granting the brief extension of time requested by MSTV will provide the Commission with additional time to assure that all of this information is reflected in the FCC's revised Table of Station Information that stations will rely upon in making their channel elections. Taking the time to ensure the

completeness and accuracy of the database now will help avoid problems and challenges later that could delay completion of the entire channel election process.

Second, allowing additional time prior to the first round of elections will allow stations to make better informed channel election decisions, ultimately resulting in better DTV service for the public. Because stations have had to devote substantial attention to the pre-election certification process and because the results of this process will be pivotal in making channel election decisions, the requested delay will provide stations and their consulting engineers with much-needed time to fully analyze the relevant information and prepare for the first round of elections. In addition, stations will be provided with additional time to explore and develop negotiated channel arrangements, which could help optimize the DTV service stations will be able to provide and reduce the potential for conflicts.

Third, MSTV is in the process of developing software that will greatly improve the channel election process by allowing stations and their consulting engineers to quickly evaluate channel election options and interference consequences. This small extension of time prior to the initial round of elections will make this software available to first round channel electors and provide for a more efficient and accurate channel election process.

Finally, setting the date for the first round of elections in mid-January will avoid the difficulties of accomplishing the technical and legal analyses and tasks necessary to make proper channel election decisions during the holiday season. In making first round channel election decisions (and potentially negotiating channel election arrangements) stations will need the assistance of consulting engineers, legal counsel, in-house personnel and, quite possibly, FCC staff to clarify issues and make properly informed decisions. Holiday travel and business closure schedules for these various parties over the next month will make it very difficult for

stations to secure the necessary resources and assistance to ensure proper channel election decisions. A brief extension of time until mid-January will mitigate this problem.

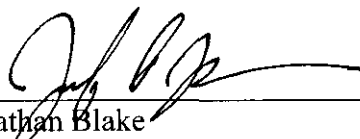
For the foregoing reasons, MSTV therefore urges the Commission to set the date for the first round of channel elections in mid-January 2005, rather than in December 2004. As noted above, because the complexity of the channel election process is front loaded, with the majority of complicated and far-reaching decisions being made prior to or in connection with the first round of elections, the brief delay requested here need not slow down the channel election process. Rather, allowing additional time at the outset to ensure fully informed and accurate decision-making should help to streamline the channel election process going forward, allowing later steps to be completed even more quickly than anticipated in the *Report and Order*.

Respectfully Submitted,

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